

DIRECTING THE SECRETARY OF THE INTERIOR TO
CONVEY CERTAIN PROPERTY IN THE STATE OF
COLORADO TO WILLIAM M. PROPER

MAY 8, 1958.—Committed to the Committee of the Whole House and ordered
to be printed

Mrs. FROST, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany H. R. 2251]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 2251) directing the Secretary of the Interior to convey certain property in the State of Colorado to William M. Proper, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

EXPLANATION OF THE BILL

H. R. 2251 would direct the Secretary of the Interior to convey to William M. Proper, of Montrose, Colo., by quitclaim deed and without compensation all the right, title, and interest of the United States in and to a water ditch situated near Montrose. Any right to the water carried in the ditch would be included in the conveyance.

The United States acquired the ditch and the attendant water right in 1888, when the United States was declared to have priority No. 1 to not more than 2.69 cubic feet per second of water in the ditch. The water was at that time used by Fort Crawford. Subsequently, Fort Crawford was abandoned by the Army and turned over to the Department of the Interior in 1890. The land within the fort was later patented. The patentees proceeded to use the water, but this use was halted by the State water commissioner on the grounds that the users could not show a title to the water. Thus, some 25 or 30 acres were left waterless. H. R. 2251, introduced by Representative Aspinall, would correct this situation.

It is pointed out in the favorable report of the Department of the Interior that the United States has no present use and no foreseeable future need for the ditch and water right involved in the bill.

No appropriation of Federal funds would be authorized by this legislation.

AGENCY REPORT

The favorable report of the Department of the Interior, approved by the Bureau of the Budget, is set forth following:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., March 28, 1958.

HON. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

DEAR MR. ENGLE: This is in reply to your request for the views of this Department on H. R. 2251, a bill directing the Secretary of the Interior to convey certain property in the State of Colorado to William M. Proper.

H. R. 2251 would direct the Secretary of the Interior to convey to Mr. William M. Proper, of Montrose, Colo., by quitclaim deed and without compensation all the right, title, and interest of the United States in and to a water ditch situated near Montrose. There would be included in the conveyance any right to the water carried in the ditch which was acquired by the United States under a decree entered by the district court in and for the county of Montrose, Colo., on November 14, 1888. The ditch is more particularly described by a reference to the county records.

The United States acquired the ditch and the attendant water right in 1888, when, on November 14, the United States was declared to have priority No. 1 to not more than 2.69 cubic feet per second of water in the ditch. The water was at that time used by Fort Crawford. However, Fort Crawford was abandoned by the Army and turned over to this Department by General Orders No. 148, Headquarters of the Army, dated December 31, 1890. The land within the fort was later patented. The patents included the usual reservations. The reservation of a right-of-way for ditches or canals constructed by the United States across the patented land, required by the act of August 30, 1890 (26 Stat. 391; 43 U. S. C., sec. 945), would not be affected by the enactment of this bill. Since the abandonment of the fort the United States has not made use of its water right. The patentees proceeded to use the water, but this use was halted by the State water commissioner on the ground that the users could not show a title to the water. Thus, some 25 to 30 acres were left waterless. As a result of this decision, H. R. 2251 was introduced.

Since the United States has no present use and no foreseeable future need for the ditch and water right involved in H. R. 2251, we would raise no objection to the enactment of this bill. We assume, of course, that the committee will have before it satisfactory title evidence that Mr. Proper is the person entitled to the benefits of H. R. 2251 before any favorable action on the measure is taken.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

FRED G. AANDAHL,
Assistant Secretary of the Interior.

The Committee on Interior and Insular Affairs recommends the enactment of H. R. 2251.